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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,283	11/26/2003	Henna Fabricius	915-007.061	5576

4955 7590 09/13/2010  
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EXAMINER
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PHANTANA ANGKOOK, DAVID

ART UNIT	PAPER NUMBER
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2175

MAIL DATE	DELIVERY MODE
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09/13/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Application No.****Applicant(s)**

10/723,283

FABRITIUS, HENNA

**Response to Rule 312 Communication****Examiner****Art Unit**

David Phantana-angkool

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 12 August 2010 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The amendments filed on 08/12/2010 will not be entered. While the Office agrees that that the image conversion may be performed by the UI controller instead of the CPU in a conversation dated Aug. 9<sup>th</sup>, it is noted that the claim amendments, deleting "a processor", direct independent claim 15 towards a non-statutory subject matter. Since independent claim 15 is an apparatus claim and both "a detector" and "a controller" can be interpreted as software per se, deleting "a processor" will raise a non-statutory subject matter issue.

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175

/David Phantana-angkool/  
Examiner, Art Unit 2175